THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 4984 OF 2006

BETWEEN:

V.Venkata Reddy son of Narayana Rao

…Petitioner

Vs.

The Deputy Registrar of Cooperative Society, Bhimavaram and another

..Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 4984 OF 2006

ORAL ORDER:

The petitioner assails the Form-9 notice dt 4.2.2006 issued by the 1st respondent

proposing auction of the house property specified in the schedule to the notice for realization of the dues of the 2nd respondent payable by the petitioner.

Earlier on 6.4.2005 the 1st respondent issued a sale notice similar to the present one, proposing a public auction of the mortgaged property. The petitioner assailed the subsequent public auction notice dt 2.8.2005 by way of writ petition No. 15064/05. The said writ petition was dismissed on 19.9.2005 recording that as an Award has been served on the petitioner which forms basis for the auction notice, no relief could be granted. The petitioner now states that this court erroneously recorded as though an award has been served on the petitioner while in fact no such award has been served and that the erroneous recording the said writ petition was made on the basis of a wrong oral representation made by the learned Government Pleader for Cooperation.

The petitioner was satisfied with the order of this court and did not care to have the above finding of this court corrected. The present notice proposing auction has been issued and admittedly the petitioner has not pursued any remedy by way of appeal u/Sec. 76 of the AP Cooperative Societies Act, 1964 ('the Act') against the award or certificate proceedings u/Sec.71 of the Act. The petitioner disputes the liability and contends that no award was passed. That is the basis of relief sought in this writ petition.

None of the above contentions commend acceptance by this court. As this court has already recorded earlier in W.P.No. 15064/05 by the judgment dt 19.9.2005 dismissing the writ petition that the award has been served on the petitioner, that finding constitute a *res judicata* and is not liable to be reopened in any subsequent proceedings unrelated to the earlier proceedings.

For the aforesaid reasons no relief could be granted in this writ petition. The writ petition is misconceived and is accordingly dismissed.

Any other remedy available to the petitioner, needless to mention, will be available to be purused.

No order as to costs.

Dated: 14.03.2006 ----------

Pvsn Justice G. Raghuram